

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Everardo CASTILLO-Acosta,

Defendant

Magistrate Judge
07 DEC 31 AM 10:06
07 MJ 3009

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

COMPLAINT FOR VIOLATION OF:

BY: 1 DEPUTY
Title 8, U.S.C., Section 1326
Attempted Entry After
Deportation

The undersigned complainant, being duly sworn, states:

On or about **December 27, 2007** within the Southern District of California, defendant, **Everardo CASTILLO-Acosta**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, attempted to enter the United States with the purpose, i.e. conscious desire, to enter the United States at or near the Tecate, California Port of Entry, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

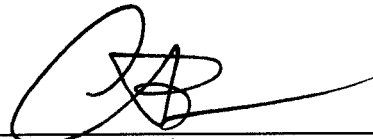
And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 31st of DECEMBER, 2007



Cathy A. Bencivengo
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:

Everardo CASTILLO-Acosta

PROBABLE CAUSE STATEMENT


I declare under the penalty of perjury that the following statement is true and correct:

On December 27, 2007 Senior Patrol Agent P. McGuire was performing linewatch duties in the Imperial Beach, California area of operation. At approximately 2:40 P.M. Sector Dispatch advised that off-duty Border Patrol Agent J. Griffin observed four suspected illegal aliens climbing the north levee fence north of the "Elbow". This area is 1.5 miles west of the port of entry at San Ysidro, California and approximately 100 yard north of the international border with Mexico. Agent McGuire responded to the area and observed the defendant Everardo CASTILLO-Acosta attempting to climb the fence.

Agent McGuire approached the defendant and identified himself as a Border Patrol Agent. Agent McGuire queried the defendant as to his immigration status. The defendant admitted to being a citizen and national of Mexico illegally present in the United States. Agent McGuire arrested the defendant and transported him to the Imperial Beach Border Patrol Station for processing.


Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on or about December 21, 2007. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on December 29, 2007 at 9:30 A.M.



Raul Castorena
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on December 27, 2007, in violation of Title 8, United States Code, Section 1326.



Cathy A. Bencivengo
United States Magistrate Judge

12/29/07 @ 10:37 am

Date/Time